

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

**A N A C T**

**RELATING TO FOOD AND DRUGS -- TRAFFICKING IN DEXTROMETHORPHAN**

Introduced By: Senators Blais, Breene, Damiani, and Polisen

Date Introduced: February 09, 2006

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "Food And Drugs" is hereby amended  
2 by adding thereto the following chapter:

3 CHAPTER 28.6

4 TRAFFICKING IN DEXTROMETHORPHAN

5 **21-28.6-1. Transfer of dextromethorphan to minor. --** (a) No person may knowingly  
6 or willfully transfer or sell, without a prescription, a drug, material, compound, mixture,  
7 preparation or substance containing any quantity of dextromethorphan to a person under the age  
8 of eighteen (18).

9 (b) Proof of age requirements.

10 (1) The person making the sale must require and obtain proof of age from the purchaser,  
11 unless from the purchaser's outward appearance the person making the sale would reasonably  
12 presume the purchaser to be twenty-five (25) years of age or older.

13 (2) For the purposes of this section, "proof of age" means any document issued by a  
14 governmental agency that contains a description or photograph of the person and gives the  
15 person's date of birth, including a passport, military identification card, or driver's license.

16 (c) Retail Immunity.

17 (1) The retail entity selling dextromethorphan shall not be subject to a penalty under  
18 subsection (a) or (b) if that entity proves that it trained its retail clerks on the requirements of this  
19 section.

1           (d) Penalties.

2           (1) A violation of subsection (a) shall carry a civil penalty of one thousand dollars  
3           (\$1,000).

4           (2) A violation of subsection (b) shall carry a civil penalty of one thousand dollars  
5           (\$1,000).

6           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- TRAFFICKING IN DEXTROMETHORPHAN

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- 1 This act would define prohibited acts, and penalties for trafficking in dextromethorphan.
- 2 This act would take effect upon passage.

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A N A C T

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Presented by